

THE CITY OF NEW YORK
LAW DEPARTMENT
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May 29, 2008

BY HAND DELIVERY

Honorable William H. Pauley III
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

READ ENDORSE

Re: Tyrone Swinton v. City of New York, et al., 08 Civ. 3874 (WHP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York ("City") in the above-referenced matter, in which plaintiff alleges, *inter alia*, that excessive force was used against him and that he was falsely arrested. Defendant City writes to respectfully request (1) an enlargement of time to answer or otherwise respond to plaintiff's complaint from June 2, 2008 until August 1, 2008, and (2) an adjournment of the Initial Conference currently scheduled for July 18, 2008 at 10:45 a.m. to a date convenient for the Court after defendant City has had the opportunity to answer plaintiff's complaint. Plaintiff's counsel, Uwem Umoh, Esq., consents to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. As plaintiff has alleged physical injury as a result of the events alleged in his complaint, our office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records.

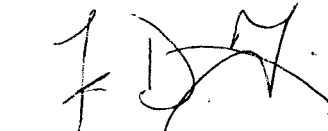
Further, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, our office is in the process of forwarding to plaintiff for execution a consent

and authorization for the release of sealed arrest and criminal prosecution records so that defendant City can access the information, properly assess the case, and respond to this complaint.

No previous request for an enlargement to answer has been made by defendant City. Accordingly, defendant City respectfully requests (1) that its time to answer or otherwise respond to the complaint be extended until August 1, 2008, and (2) that the Initial Conference currently scheduled for July 18, 2008 at 10:45 a.m. be adjourned to a date after defendant City has answered plaintiff's complaint.

Thank you for your consideration herein.


Respectfully submitted,



Shawn D. Fabian (SF4606)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Uwem Umoh, Esq. (By First Class Mail)
Attorney for Plaintiff
255 Livingston Street, 4th Floor
Brooklyn, New York 11217

Application Granted. The initial
pre-trial conference is adjourned
to August 8, 2008 at 10:45 a.m.
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

6/23/08